



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2307497
Applicant Name: Brittani Ard
Address of Proposal: 723 N 102nd Street

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide one parcel into two parcels of land. Proposed parcel sizes are: Parcel A) 3,776.9 square feet and Parcel B) 3,920.3 square feet. The existing single family residence on proposed Parcel A will remain but the portion of its rear deck that would extend across the proposed property boundary will be removed. The existing garage structure will also be removed. The lot sizes are proposed under the “75/80” rule of the Land Use Code, SMC 23.44.010.

The following approval is required:

Short Subdivision – to create two parcels of land from one existing parcel (SMC Chapter 23.24).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

BACKGROUND DATA

Zoning: SF 5000

Date of Site Visit: December 16, 2003

Uses on Site: Single Family.

Site Characteristics: The subject site is relatively flat. There are no Environmentally Critical Areas (ECA's). Proposed Parcel A has an older single family residence with a detached garage along the alley. The garage has access from both a driveway extending from North 102nd Street and the east to west alley along the south property boundary. North 102nd Street is paved but without curbs, gutters, planting strip, and sidewalks.

Public Comment

No comment letters were received during the comment period which ended December 10, 2003. One name and address was submitted to become a party of record.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from the drainage section of DPD, Seattle Public Utilities (SPU) for water availability, Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards and applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As proposed, this short plat utilizes the "75/80" rule of SMC 23.44.010 that allows the creation of lots less than the normally required size for a particular zone provided the proposed lots are a minimum of 75% of the required lot size for the zone and at least 80% of the mean lot area of the lots on the same block face and within the same zone in which the lot is located.

There are 12 other lots on this block face of North 102nd Street. Eighty percent of the mean lot area of these lots is 3,347.26 square feet. Seventy-five percent of the 5,000 square feet required lot size for

this zone is 3,750 square feet. The proposed lots sizes of 3,776.9 square feet for Parcel A and 3,920.2 for Parcel B meet the requirement of this rule.

The eastern portion of the existing structure and deck on proposed Parcel A will be located within a required five (5) foot side yard, 1.51 feet from the proposed mutual property boundary between proposed Parcels A and B. SMC 23.44.14 D 2 allows this intrusion provided that a ten (10) foot separation between the intruding structure and any future principal or accessory structures on the abutting lot can be assured and an easement to that end recorded as a part of the plat. The 8.49 foot side yard easement as shown on the face of the plat and in the submitted legal descriptions provide this assurance for the house only. The easement must be extended ten (10) feet south of the south face of the rear deck for this deck to remain. If the easement is not extended the deck must be removed or reduced to conform to this requirement.

This short subdivision provides access for vehicles, public and private utilities, and emergency personal and vehicles. Existing vehicular access for proposed Parcel A is provided by both a driveway extending from NE 102nd Street and from the alley. Vehicular access for the required off-street parking on proposed Parcel B will be provided from the alley.

Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing storm water control, utility extensions, and the provision of required easements. Drainage review requires a side sewer easement from proposed Parcel B for the benefit of proposed Parcel A to be included in the legal description of both parcels. City Light review requires the attached easement (Attachment A) be recorded with this short plat

The public use and interest are served by this proposal. The additional parcel created through the application of the “75/80” rule, creates a buildable lot for the future construction of an additional housing unit in the City.

This site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable.

Proposed Parcel B contains three small trees along its north and east property boundaries. None of these trees are classified as *exceptional*. The platting, as proposed, does not require the removal of these trees. However if they are not preserved, the tree planting requirements of SMC 23.44.008 must be followed. These require the planting of 2 caliper inches of tree per each 1,000 square feet of lot area. The 3,920.3 square foot area of proposed Parcel B would therefore require the planting of a minimum of 3.9 caliper inches of new trees.

DECISION - SHORT SUBDIVISION

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS - SHORT SUBDIVISION

Conditions of Approval Prior to Recording

1. Submit the final recording forms for approval along with any required fees.
2. Include a side sewer easement from Parcel B to Parcel A in the legal descriptions to be recorded for both parcels.
3. Include the attached (Attachment A) City Light easement in the legal descriptions to be recorded for both parcels.
4. Insert the following on the face of the plat for Parcel B: "Any tree removal or replacement is subject to the requirements of Seattle Municipal Code 23.44.008."
5. Include on the face of the plat a note stating that vehicle access for proposed Parcel B will be from the alley and no curb-cut / driveway access will be from N 102nd Street.
6. If the rear deck on the structure of proposed Parcel A is to remain within 1.51 feet of the proposed mutual property line, the side yard easement must be extended ten (10) feet to the south of the southern end of the existing rear deck.
7. If the rock/masonry planter located on the street side of the existing house is to remain, include an easement allowing the planter, which will be substantially on proposed Parcel B, to intrude onto proposed Parcel A.

Conditions of Approval Prior to the Individual Transfer or Sale of Lots or Issuance of a Building Permit

1. Legally remove the portion of the rear deck on the existing structure on Parcel A that extends across the proposed property line with proposed Parcel B. If any portion of the deck will remain within 1.51 feet of the proposed mutual property line and the side yard easement is not extended to provide a ten (10) foot no-build area, the deck must be reduced to conform to this requirement or be removed.
2. If an easement is not included allowing the intrusion of the rock/masonry planter located on the street side of the existing house from proposed Parcel B to proposed Parcel A this planter must be removed.

After Recording and Prior to Issuance of Any Building Permits

The owner(s) and/or responsible party(s) shall:

1. Attach a copy of recorded short subdivision to all copies of future building permit application plans.

Signature: (signature on file) Date: June 14, 2004
Art Pederson, Land Use Planner
Department of Planning and Development

Land Use Services

AP:rgc

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Enclosures: Attachment A, City Light Utility Easement